

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	Cr. No. 2:06-cr-018-WKW-SRW
)	
SHERRY DIANE PETTIS)	

UNITED STATES' PROPOSED SUPPLEMENTAL JURY INSTRUCTION

COMES NOW the United States of America, by and through Leura G. Canary, United States Attorney for the Middle District of Alabama, and respectfully requests that the following Supplemental Jury Instruction be given to the jury in the above-styled case.

Respectfully submitted this the 16th day of October, 2006.

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UNITED STATES ATTORNEY

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CERTIFICATE OF SERVICE

I hereby certify that on October 16, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Donnie Wayne Bethel.

LEURA G. CANARY
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Government's Supplemental Jury Instruction 15

Perjury

Members of the Jury, the Defendant has been charged with perjury under Title 18, United States Code, Section 1623(c). In order to find the Defendant guilty of such charge, you must find that:

1. Defendant knowingly made two or more material declarations before a court or grand jury, and
2. Defendant's declarations are so inconsistent that one of them is necessarily false.

To prove a perjury violation under this statute, the government does not have to prove which of the statements are false, only that the two statements are so irreconcilable that one of the statements must be false.

See, United States v. McAfee, 8 F.3d 1010, 1014 (5th Cir. 1993)